

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

November 20, 2007

3:30 P.M. SCHEDULED SESSION

4:05 P.M. MEETING COMMENCED

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Madeleine Cooper Taylor, Edmund Ford, Henry Hooper, E. C. Jones, Myron Lowery, Scott McCormick, Jack Sammons, Barbara Swearengen-Ware, Brent Taylor and Chairman Tom Marshall

THE MEETING WAS CALLED TO ORDER BY THE SERGEANT-AT-ARMS

INVOCATION

The meeting was opened with prayer by Pastor Rick Pinkston from Raleigh United Methodist Church. Councilman Jones presented Pastor Pinkston with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

MINUTES

Approval of the Minutes of the regular meeting of November 6, 2007

(Item #34 was Sent Back to Committee, Item #55 was amended and Item #26 was pulled from the Minutes and put back on December 4, 2007 Agenda.

MOTION: Sammons
SECOND: Ware
AYES: Brittenum, Chumney Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brown did not cast a vote

APPROVED, as amended

59. PRESENTATION OF CERTIFICATES HONORING MEMPHIS POLICE DEPARTMENT YOUTH BOXINGTEAM.

MOTION: Lowery
SECOND: Sammons

APPROVED, unanimous voice vote

CONSENT AGENDA – Items 1 – 7 & #53 - #56, may be acted upon by one motion: SEE PAGE 2343 FOR ROLL CALL

1. **ORDINANCE TO AMEND CHAPTER 2, ARTICLE VI OF THE CODE OF ORDINANCES, SO AS TO ESTABLISH THE CITY OF MEMPHIS INTERNATIONAL COUNCIL, UP FOR FIRST READING.**

APPROVED, on First reading

Ordinance No. 5245

2. **JOINT ORDINANCE OF THE COUNCIL OF THE CITY OF MEMPHIS AND BOARD OF THE COUNTY COMMISSIONERS OF SHELBY, TENNESSEE ENACTED PURSUANT TO THE COMMUNITY REDEVELOPMENT ACT OF 1998; PROVIDING FOR THE CREATION OF A REDEVELOPMENT TRUST FUND PURSUANT TO SECTION 21 OF THE ACT; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ALL THINGS DEEMED NECESSARY AND ADVISABLE IN CONNECTION WITH THE CREATION OF THE REDEVELOPMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE, UP FOR SECOND READING.**

APPROVED, on Second reading, as amended

3. **ORDINANCE TO ESTABLISH MEETING DATES FOR CITY COUNCIL MEETINGS IN 2008, UP FOR SECOND READING.**

Ordinance No. 5243

APPROVED, on Second reading

4. **ORDINANCE PROVIDING FOR THE CREATION OF THE DIVISION OF COMMUNITY ENHANCEMENT FOR THE PURPOSE OF ADDRESSING BLIGHT WITHIN THE CITY OF MEMPHIS, UP FOR SECOND READING.**

Ordinance No. 5244

APPROVED, on Second reading

5. **ORDINANCE REZONING THE SOUTH SIDE OF GOODLETT FARMS PARKWAY, EXTENDING EASTWARDLY TO THE TERMINUS OF THE REQUEST STREET NAME LOCATION, CONTAINING 1,431 FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR FIRST READING.**

Ordinance No. 5246

Case No. SNC 07-802cc

APPROVED, on First reading

6. **JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY SUBDIVISION REGULATIONS, ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AND THE CITY COUNCIL OF THE CITY OF MEMPHIS ON DECEMBER 19, 1983, BEING ORDINANCE AND RESOLUTION NO. 3352, SO AS TO MAKE CERTAIN CHANGES THEREIN BY REVISING THE REQUIREMENTS FOR LOCATION OF SEPTIC TANK DISPOSAL FIELD BEDS ON UNSEWERED LOTS, UP**

FOR S E C O N D READING.

Ordinance No. 5241
Case No. STA 07-001cc

APPROVED. on Second reading

7. NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:

- A. PD 07-337 – Amendment to Moriah Woods Office Park
- B. Case No. SAC 06-607cc – Raleigh LaGrange Road
- C. Case No. SAC 07-607 – Fleet Street Closure
- D. Case No. PD 07-336 – GERMANTOWN ROAD PD

Public Hearing Set for December 4, 2007

53. RESOLUTION APPROVING FINAL PLAT OF GENESIS ESTATES SUBDIVISION, SECTION A.

Case No. S 02-010
Contract No. CR-5101

Resolution approves final plat located on the northwest corner of Hillbrooke Road and Jeanne Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

54. RESOLUTION APPROVING FINAL PLAT OF RIDGEMONT TRAILS SUBDIVISION, SECTION B.

Case No. S 01-037
Contract No. CR-5102

Resolution approves the final plat located on the south side of Egypt Central, west of Old Allen Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

55. ORDINANCE AMENDING CHAPTER 21, ARTICLE VI, SECTION 237 OF THE CODE OF ORDINANCES TO PROHIBIT MINORS SOLICITING FROM RIGHT OF WAYS, UP FOR F I R S T READING.

Ordinance No. 5248

APPROVED, on First reading

56. **ORDINANCE AMENDING CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES SO AS TO ESTABLISH THE CITY OF MEMPHIS YOUTH CITY COUNCIL, UP FOR F I R S T READING.**

Ordinance No. 5249

APPROVED, on First reading

60. **ORDINANCE REPEALING ORDINANCE 4013 REGULATING SEXUALLY ORIENTED BUSINESSES AND ADOPTING ADULT-ORIENTED ESTABLISHMENT REGISTRATION ORDINANCE, UP FOR F I R S T READING.**

Ordinance No. 5250

Chairman Marshall recognized the following people from the audience:

Nick Clark, 5840 Fairwood Lane, Memphis, TN. 38120

Dexter Muller, 22 N. Front St., Memphis, TN. 38103

George Kuykendall, 699 Royal Forest, 38107

John Lawrence, 1910 Nonconnah Blvd., 38186

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Brittenum

SECOND: McCormick

AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, McCormick and Ware
Brown, Lowery, Sammons, Taylor and Chairman Marshall did not cast a vote

APPROVED

MLGW CONSENT AGENDA – Items 8 – 18 may be acted upon by one motion

8. **RESOLUTION AWARDED CONTRACT NO. 11213, METER DATA MANAGEMENT SYSTEM, TO ITRON, INC, IN AN ESTIMATED FUNDED AMOUNT OF \$475,653.30. (HELD FROM 11/6).**

Chairman Marshall recognized the following person the audience:

Bill Hawkins, 4000 Clearpool Circle, Memphis, TN. 38118

APPROVED

9. **RESOLUTION AWARDED CONTRACT NO. 11211, FIREPROOFING AND INSULATION, TO YOUNG INSULATION GROUP OF MEMPHIS IN AN ESTIMATED FUNDED AMOUNT OF \$88,000.00.**

APPROVED

10. **RESOLUTION AWARDED CONTRACT NO. 11216, VOICE MAIL REPLACEMENT, TO BLACK BOX NETWORK SERVICES IN AN ESTIMATED FUNDED AMOUNT OF \$122,067.00.**

APPROVED

11. RESOLUTION RATIFYING EXPEDITED PROCUREMENT REQUEST FOR AWARD OF CONTRACT NO. 11260, ADMINISTRATION UPS, TO ELECTRONIC POWER SYSTEMS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$30,980.00.

APPROVED

12. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10766, EMPLOYEE BENEFIT DENTAL PLAN, WITH DELTA DENTAL PLAN OF TENNESSEE IN AN ESTIMATED FUNDED AMOUNT OF \$1,697,725.08. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, JANUARY 1, 2008 TO DECEMBER 31, 2008.)

APPROVED

13. RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10871, HMO BENEFIT GROUP AGREEMENT, WITH AETNA U. S. HEALTHCARE IN AN ESTIMATED AMOUNT OF \$1,223,334.80. (THIS RENEWS THE CONTRACT FOR THE FIFTH TERM, JANUARY 1, 2008 THROUGH DECEMBER 31, 2008, WITH A 2.63% RATE INCREASE IN HMO BENEFITS AND NO RATE INCREASE IN DMO BENEFITS.)

APPROVED

14. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10897, MEDICAL BENEFIT PROVIDER, WITH CIGNA HEALTHCARE IN AN ESTIMATED AMOUNT OF \$6,380,623.00. (THIS RENEWS THE CONTRACT FOR THE TWELFTH TERM, JANUARY 1, 2008 TO DECEMBER 31, 2008, WITH A .4% RATE INCREASE.)

APPROVED

15. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11179, BUSINESS OBJECTS SOFTWARE LICENSE AND RELATED SERVICE AGREEMENT, WITH BUSINESS OBJECTS AMERICAS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$29,000.34. (THIS COVERS CONTINUED MAINTENANCE AND SUPPORT FOR DATA WAREHOUSE SOFTWARE FOR THE PERIOD NOVEMBER 4, 2007 TO NOVEMBER 3, 2008.)

APPROVED

16. RESOLUTION AWARDING 12-MONTH CONTRACT FOR CABLE JUNCTION ENCLOSURES AND GROUND SLEEVES TO STUART C. IRBY IN THE AMOUNT OF \$77,985.00.

APPROVED

17. RESOLUTION AWARDING CONTRACT FOR GAS CHROMATOGRAPH/MASS SPECTROMETER SYSTEM TO VARIAN, INC. IN THE AMOUNT OF \$111,715.00.

APPROVED

18. RESOLUTION AWARDING CONTRACT FOR AIR DISCONNECT SWITCHES, AS FOLLOWS:

PASCOR Atlantic c/o John J. Aertker, Jr. Co., Inc..... \$70,420.00

Royal Switchgear Manufacturing c/o Utility Specialists, Inc..... 48,640.00
Total..... \$119,060.00

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Chumney
SECOND: Ware
AYES: Brittenum, Cooper Taylor, Hooper, Lowery, McCormick, Taylor and Chairman
Marshall
NAYS: Brown, Ford, Jones and Ware
Chumney abstained
Sammons did not cast a vote

APPROVED

(The meeting convened as a Rate Making Board)

19. **RESOLUTION CONVENING CITY COUNCIL AS A RATE MAKING BOARD FOR THE PURPOSE OF DETERMINING THE FEASIBILITY OF A REVISION IN THE SCHEDULE OF RATES AND TO PRESCRIBE RATES SUFFICIENT FOR THE OPERATION OF MEMPHIS LIGHT, GAS AND WATER DIVISION.**

MOTION: Chumney
SECOND: Hooper
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware, Taylor and Chairman Marshall
Sammons did not cast a vote

APPROVED

20. **RESOLUTION APPROVING MLGW'S 2008 BUDGET WHICH INCLUDES INCREASES IN ELECTRIC, GAS AND WATER RATES TO BE EFFECTIVE WITH METERS READ ON CYCLE ONE OF THE JANUARY 2008 REVENUE MONTH ON A NON-PRORATED BASIS.**

MOTION: McCormick
SECOND: Hooper
AYES: Brittenum, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware and Chairman Marshall
NAYS: Brown, Chumney and Taylor
Sammons did not cast a vote

APPROVED

21. **RESOLUTION APPROVING MLGW'S 2008 CHANGES FOR ELECTRIC GAS AND WATER RATES TO BE EFFECTIVE WITH METERS READ ON CYCLE 1 OF THE JANUARY 2008 REVENUE MONTH ON A NON-PRORATED BASIS.**

MOTION: McCormick
SECOND: Jones

AYES: Brittenum, Cooper Taylor, Hooper, Jones, Lowery, McCormick and Chairman Marshall
NAYS: Brown, Chumney, Ford, Ware and Taylor
Sammons did not cast a vote

APPROVED, as amended

(The meeting adjourned from a Rate Making Board at 6:30 p.m. and convened back as City Council Meeting)

(Councilman Lowery made a motion to suspend the rules and add a First reading Ordinance, regulating Sexually Oriented Businesses and adopting Adult-Oriented Establishment Registration).

(Special Item #1 – Suspension of Rules)

MOTION: Lowery
SECOND: Hooper
AYES: Brittenum, Brown, Cooper Taylor, Ford, Hooper, Lowery and Ware
NAYS: Chumney, Jones, McCormick, Taylor and Chairman Marshall
Sammons did not cast a vote

APPROVED

(Special Item #2 – Motion to add item as a First reading Ordinance)

MOTION: Lowery
SECOND: Hooper
AYES: Brittenum, Brown, Cooper Taylor, Ford, Hooper, Lowery, Ware and Chairman Marshall
NAYS: Chumney, Jones, McCormick and Taylor
Sammons did not cast a vote

APPROVED

Chairman Marshall recognized the following people from the audience:

John Lawrence, 1910 Nonconnah Blvd., 38186
Dexter Muller, 22 N. Front St., Memphis, TN. 38103
Nick Clark, 5840 Fairwood Lane, Memphis, TN. 38120
George Kuykendall, 699 Royal Forest

(Special Item #3 –Add on Ord. #5250, item #60)

MOTION: Lowery
SECOND: Hooper
AYES: Brittenum, Brown, Cooper Taylor, Ford, Hooper, Lowery, Ware and Chairman Marshall
NAYS: Chumney, Jones, McCormick, Sammons and Taylor

APPROVED, on First reading

50. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF BROOKS ROAD TO HONOR FAMED PHOTOGRAPHER ERNEST AND DOROTHY WITHERS.

MOTION: Taylor
SECOND: Jones

APPROVED, unanimous voice vote

58. RESOLUTION RECOGNIZING CERTAIN POLICE DIVISION POSITIONS AS APPOINTED AND EXEMPT FROM CIVIL SERVICE AND TO CLARIFY THE STATUS OF THESE EMPLOYEES.

MOTION: Taylor
SECOND: McCormick
AYES: Brittenum, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Taylor and Chairman Marshall
NAYS: Brown, Chumney, Cooper Taylor and Ware

APPROVED

22. APPOINTMENTS

ALCOHOL COMMISSION

APPOINTMENT

IVETTE MONZON

REAPPOINTMENT

MARSHA JENKINS

MEMPHIS YOUTH GUIDANCE COMMISSION

APPOINTMENTS

JAMES H. BALL
ERNEST DOBBINS

MOTION: Taylor
SECOND: Cooper Taylor
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

GENERAL ORDINANCES – THIRD AND FINAL READING

23. ORDINANCE AMENDING CHAPTER 24, ARTICLE III, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING JUNK AND SCRAP DEALERS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/21; 9/18;10/2;10/16)

Held until December 4, 2007

24. ORDINANCE AMENDING THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE CHAPTER 20, MISCELLANEOUS OFFENSES AND PROVISIONS TO ADD ARTICLE VII – GRAFFITI VANDALISM, UP FOR T H I R D AND F I N A L READING.

Ordinance No. 5238

MOTION: Sammons
SECOND: Jones
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

51. RESOLUTION IN SUPPORT OF NAMING U.S. 78 (LAMAR AVENUE) THE “ROSA L. PARKS HIGHWAY”.

MOTION: Brittenum
SECOND: Brown
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

52. RESOLUTION REQUESTING THE TENNESSEE LEGISLATURE TO SUPPORT LEGISLATION SPONSORED BY REPRESENTATIVE G.A. HARDAWAY, SR., ON THE CONSTRUCTION OF A NEW TENNESSEE-ARKANSAS BRIDGE.

MOTION: Brittenum
SECOND: Jones
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

25. ORDINANCE AMENDING CHAPTER 33, CODE OF ORDINANCES, TO ADJUST VOLUMETRIC WASTEWATER FEES, UP FOR T H I R D AND F I N A L READING.

Ordinance No. 5239

MOTION: Sammons
SECOND: Hooper
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware, Taylor and Chairman Marshall
Sammons did not cast a vote

APPROVED

26. RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF THREE HUNDRED FORTY-FIVE THOUSAND, SIX HUNDRED TWENTY DOLLARS (\$345,620.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

DIVISION FOR VIA TITLE ONE CAREER

READINESS SERVICES GRANT.

RESOLUTION ALSO AMENDS FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.

MOTION: Brittenum
SECOND: Jones
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

27. RESOLUTION TO ADOPT THE CITY OF MEMPHIS OTHER POST EMPLOYMENT BENEFIT (OPEB) INVESTMENT TRUST FOR THE EXCLUSIVE PURPOSE OF PRE- FUNDING OPEB BENEFITS FOR CURRENT AND FUTURE RETIREES.

MOTION: Chumney
SECOND: Hooper
AYES: Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brittenum did not cast a vote

APPROVED

28. RESOLUTION APPROPRIATING \$146,275.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE EMERGENCY UNITS FOR THE DIVISION OF FIRE SERVICES.

MOTION: Sammons
SECOND: Jones
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware and Chairman Marshall
Taylor did not cast a vote

APPROVED

29. RESOLUTION APPROPRIATING \$115,000.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE FORENSIC LAB BURN ROOM INSULATING SYSTEM FOR THE DIVISION OF FIRE SERVICES.

MOTION: Sammons
SECOND: Jones
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware and Chairman Marshall
Sammons and Taylor did not cast a vote

APPROVED

30. RESOLUTION APPROPRIATING \$46,941.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE FIRE FIGHTING SUVS FOR THE DIVISION OF FIRE SERVICES.

MOTION: Sammons

SECOND: Cooper Taylor
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,
McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

31. **RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY-OWNED PROPERTY IDENTIFIED AS PARCEL NUMBERS 079-061-00193 & 079-061-00196. VACANT PROPERTY LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE LYIN EAST OF ELVIS PRESLEY BOULEVARD AND SOUTH OF SHELBY DRIVE KNOWN AS PART OF THE WOOTEN ESTATE, ORIGINALLY ACQUIRED BY THE CITY UNDER INSTRUMENT NO. T3-0903 AS A 75.45 ACRE TRACT, LESS AND EXCEPT 16.462 ACRES CONVEYED BY THE CITY TO MLGW UNDER INSTRUMENT NO. DD-0615, THE REMAINDER TO BE CONVEYED BY THIS AGREEMENT AND BEING 58.98 ACRES, MORE OR LESS, AS MORE DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE PART THEREOF. THE AMOUNT OF THE OFFER IS \$193,200.00. PER ORDINANCE, THE SALE OF THE SUBJECT PARCEL IS SUBJECT TO THE OFFER LAYING OVER FOR A FUTURE COUNCIL MEETING FOR AN INCREASE OF BID. RESOLUTION APPROVAL ON THE SECOND READING, AFTER OPENING TO THE FLOOR FOR AN INCREASE IN THE OFFER SHALL BE DEEMED AS APPROVAL OF SALE. RESOLUTION ALSO AUTHORIZES THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS IN CONNECTION WITH THE SALE.**

2nd & Final Reading

Director of General Services recommends approval

MOTION: Sammons
SECOND: McCormick

APPROVED, unanimous voice vote

32. **RESOLUTION AUTHORIZING THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT TO AWARD \$706,991.00 IN FUNDING TO DESIGNATED 501(C)(3) ORGANIZATIONS FOR THE PURPOSE OF COMMUNITY INITIATIVE ACTIVITIES.**

MOTION: Ware
SECOND: Cooper Taylor
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,
McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

33. **RESOLUTION APPROVING AMENDMENT TO THE MLGW RETIREMENT AND PENSION PLAN TO INCLUDE A BUY-BACK OPTION FOR ELIGIBLE EMPLOYEES TO PURCHASE PRIOR DIVISION SERVICE TIME UNDER CERTAIN LIMITED CONDITIONS.**

MOTION: Chumney
SECOND: Sammons
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,

APPROVED

34. **RESOLUTION GRANTING TWO EASEMENTS TO TEXAS GAS TRANSMISSION, LLC, LOCATED ON THE WEST SIDE OF OUTLAND ROAD AND SOUTH OF BURBANK AVENUE FOR THE SUM OF \$1.00.**

MOTION: Chumney
SECOND: Ware
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,
McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

35. **RESOLUTION APPROVING PURCHASE OF PROPERTY FROM WILLIAM D. HOLT, LOCATED ON THE SOUTHWEST CORNER OF G.E. PATTERSON AND HERNANDO STREET FOR AND IN CONSIDERATION OF \$700,000.00.**

MOTION: Chumney
SECOND: Ware
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,
McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brown did not cast a vote

APPROVED

36. **RESOLUTION APPROVING ACTUARIAL FUNDING TO THE RETIREMENT AND PENSION FUND FOR THE 2007 PLAN YEAR.**

MOTION: Chumney
SECOND: Jones
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,
McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brown did not cast a vote

APPROVED

37. **RESOLUTION APPROPRIATING \$46,330.00 FUNDED BY SEWER FUNDS FOR 2820 HARBOR SEWER PUMP, PROJECT NUMBER SW02049 FOR THE PURCHASE OF SUBMERSIBLE PUMP FROM GULF STATES ENGINEERING CO., INC.**

Director of Public Works and City Engineer recommends approval

MOTION: Sammons
SECOND: Hooper
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,
McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brown did not cast a vote

APPROVED

38. **RESOLUTION APPROPRIATING \$340,152.00 FUNDED BY G.O. BONDS FOR ADA CURB RAMPS GROUP 32, PROJECT NUMBER PW04060 FOR A CONSTRUCTION CONTRACT WITH DIXIELAND CONTRACTORS, INC., TO INSTALL HANDICAP RAMPS.**

Director of Public Works and City Engineer recommends approval

MOTION: Sammons
SECOND: Cooper Taylor
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

39. **RESOLUTION APPROPRIATING \$348,227.00 FUNDED BY G.O. BONDS FOR ADA CURB RAMPS GROUP 33, PROJECT NUMBER PW04061 FOR A CONSTRUCTION CONTRACT WITH DIXIELAND CONTRACTORS, INC., TO INSTALL HANDICAP RAMPS.**

MOTION: Sammons
SECOND: Cooper Taylor
AYES: Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brittenum abstained
Brown did not cast a vote

APPROVED

40. **RESOLUTION APPROPRIATING \$346,496.00 FUNDED BY G.O. BONDS FOR ADA CURB RAMPS GROUP 34, PROJECT NUMBER PW04062 FOR A CONSTRUCTION CONTRACT WITH DIXIELAND CONTRACTORS, INC., TO INSTALL HANDICAP RAMPS.**

Director of Public Works and City Engineer recommends approval

MOTION: Sammons
SECOND: Taylor
AYES: Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brittenum abstained
Brown did not cast a vote

APPROVED

41. **RESOLUTION APPROPRIATING \$621,756.00 FUNDED BY SEWER REVENUE BONDS FOR INTEGRA PD SEWER EXTENSION, PROJECT NUMBER SW01025 FOR A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES DBA SCOTT**

CONTRACTORS, INC.

MOTION: Sammons
SECOND: Taylor
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brown and Jones did not cast a vote

APPROVED

42. **RESOLUTION ACCEPTING FEDERAL GRANT FUNDS IN THE AMOUNT OF \$2,943,400.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE ARTERIAL SIGNAL IMPROVEMENT PROJECT TO HELP RELIEVE TRAFFIC CONGESTION AND RELATED AIR POLLUTION ON LAMAR AVENUE (US 78), WINCHESTER ROAD, GERMANTOWN PARKWAY/ROAD, STAGE ROAD (US 64) AND CONNECTING ROADWAYS. RESOLUTION ALSO AMENDS FY2008 CIP BUDGET TO ESTABLISH AND APPROPRIATE GRANT AND LOCAL MATCHING FUNDS. LOCAL MATCHING FUNDS ARE IN APPROVED CIP PROJECT.**

City Engineer recommends approval

MOTION: Sammons
SECOND: Taylor
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

(Councilman Ford made a motion for the red light issue on Third and Holmes be discussed in Committee on December 4, 2007 in Public Works Session. This motion was seconded by Councilman Sammons).

43. **RESOLUTION APPROPRIATING \$335,460.00 FUNDED BY G.O. BONDS FOR ADA CURB RAMPS GROUP 31, PROJECT NUMBER PW04059 FOR A CONSTRUCTION CONTRACT WITH DIXIELAND CONTRACTORS, INC., TO INSTALL HANDICAP RAMPS.**

MOTION: Sammons
SECOND: Hooper
AYES: Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brittenum did not cast a vote

APPROVED

44. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE OUTHEAST CORNER OF GALLOWAY AVENUE AND HOLMES STREET, CONTAINING 107+ ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. SUP 07-221

Applicant: Chickasaw Country Club

Request: Special use permit to allow an expansion to fitness center

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Jones

AYES: Brown, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons,
Ware, Taylor and Chairman Marshall
Brittenum and Cooper Taylor did not cast a vote

APPROVED

45. RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTH SIDE OF RHODES AVENUE; +/-203.68 FEET EAST OF GETWELL ROAD, CONTAINING 0.25 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.

Case No. U.V. 07-08

Applicant: New Century Properties and Investment, LLC
Prime Development Group, Inc. – Representative

Request: Use variation to allow a retail/gasoline sales building

MOTION: Lowery

SECOND: Hooper

AYES: Brown, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons,
Ware, Taylor and Chairman Marshall
Brittenum and Cooper Taylor did not cast a vote

APPROVED

46. RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF BAZEBERRY ROAD AND FOREST HILL-IRENE ROAD, CONTAINING 1.36 ACRES IN THE AGRICULTURAL (AG) DISTRICT.

Case No. PD 07-329cc

Applicant: Boyle Investment Company
Fisher & Arnold, Inc. – Representative

Request: Planned development to allow four (4) single family homes with
a minimum lot size of 4,000 square feet in area within the Outline
Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Hooper

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Hooper, Jones, Lowery,
McCormick, Sammons, Ware, Taylor and Chairman Marshall
Ford did not cast a vote

APPROVED

57. RESOLUTION WAIVING THE RESTRICTIVE COVENANTS AS SET FORTH IN THE CITY OF MEMPHIS URBAN RENEWAL PLAN, FORMALLY KNOWN AS TN A-11-1, AND TO RELEASE THE OBLIGATIONS OF HUNT-PHELAN, LLC FROM INSTRUMENT FM 0136, AS RECORDED WITH THE SHELBY COUNTY REGISTER, FOR THE FURTHER DEVELOPMENT OF THE PROPERTY FORMALLY KNOWN AS THE HUNT-PHELAN HOME.

MOTION: Ware
SECOND: Brown
AYES: Brittenum, Brown, Chumney, Jones, Lowery, McCormick, Ware, Taylor and Chairman Marshall
Cooper Taylor, Ford, Hooper, Sammons did not cast a vote

APPROVED

(Councilwoman Ware made a motion for the Minutes of this item be approved at tonight's meeting. This was seconded by Councilman Brown).

47. RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF GETWELL ROAD; +257 FEET SOUTH OF AMERICAN WAY, CONTAINING 11.97 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.

Case No. PD 07-330

Applicant: Watson-Taylor Management, Inc.
ETI Corporation – Representative

Request: Mini-Storage warehouse facility with indoor/outdoor vehicle storage and an automobile rental/leasing office

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery
SECOND: Cooper Taylor
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Brown did not cast a vote

APPROVED

48. RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST SIDE OF AUSTIN PEAY HIGHWAY; 1,100 FEET NORTHEAST OF LAKEHURST DRIVE, CONTAINING 8.92 ACRES IN THE SINGLE FAMILY RESIDENTIAL (RS-10) DISTRICT.

Case No. SUP 07-217

(Chairman Marshall offered a condition, stating that the temporary structures have to be converted to permanent structures within 5 years or the Applicant has to come back before Council).

Applicant: Raleigh Assembly of God

Request: Group Shelter Use

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery
SECOND: Sammons
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick,
 Sammons, Ware, Taylor and Chairman Marshall
 Brown did not cast a vote

APPROVED

49. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTH SIDE
OF HIGHWAY 70; OPPOSITE DOE HOLLOW DRIVE INTERSECTION,
CONTAINING 5.00 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. UV 07-07cc

Held until December 4, 2007

(Special Item #4 – The Minutes for Item #57 from tonight’s meeting)

MOTION: Ware
SECOND: Hooper
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,
 McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

The Chairman recognized the following person from the audience:
Walter Broady, 4256 Ledbetter Cove, Memphis, TN. 38109

ADJOURNED MEETING AT 8:05 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records